

## Family and Group Child Care Home Letter Series - 2005-03

Date: December 5, 2005

To: All Family and Group Child Care Homes

From: James S. Sinnamon, Director  
Division of Child Day Care Licensing

Subject: Changes in Public Act 116 of 1973, as amended

Public Act 116 has been amended by the legislature to require the following:

- **Effective January 1, 2006**, a fingerprint scan is required when a person applies for an original or renewal of a family child care home certificate of registration or a group child care home license. This also applies to a relocation, since it is viewed as an original application. The fingerprint scan will be used by the Michigan State Police to perform a criminal history check of Michigan offenses and criminal records check through the Federal Bureau of Investigation. If the person has been convicted of a listed offense, the department shall not issue or renew the registration or license. [MCL 722.115f(1)]
- All **currently** registered or licensed providers must provide documentation of a fingerprint scan for a criminal history check and criminal records check by **January 1, 2007**. [MCL 722.115f(12)] A record clearance form to be used for the fingerprint scan request is enclosed
- **Effective January 1, 2006**, a registrant or licensee must report to the department within 3 business days after he or she has been arraigned for 1 or more of the crimes noted below, and within 3 business days after he or she knows or should reasonably know that an employee or a person over 18 years of age residing in the home has been arraigned for 1 or more of these crimes. [MCL 722.115f(7)] A person who fails to report as required by this section is guilty of a felony or a misdemeanor, depending on the offense the person was arraigned on. [MCL 722.115f(8)]
- By **January 1, 2007**, the department must perform an internet criminal history access tool (ICHAT) check on all persons over 18 years of age residing in a family child care home or group child care home. If the ICHAT check reveals that a person over 18 years of age residing in the home has been convicted of a listed offense, the department shall not renew a certificate of registration to the registrant or license to the licensee applying for renewal, or shall revoke a current registrant's certificate of registration or current licensee's license. [MCL 722.115g]

Updated copies 1973 PA 116 will be available in the near future. You may view the document online, at [www.legislature.mi.gov](http://www.legislature.mi.gov). Click on "Public Acts" in the left column and then enter 116 for the Public Act Number, and 1973 for the Public Act Year.

The Michigan State Police has identified Identix as the vendor to perform fingerprint scans. There is a charge of \$70 that must be paid to Identix at the time of fingerprinting. To schedule an appointment at Identix, call 1-866-226-2952 or go to [www.identix.com/IIS/mi.html](http://www.identix.com/IIS/mi.html)

A list of the offenses specified in the PA 116 amendments is included for your information.

**“Listed Offenses” from the Sex Offenders Registration Act, 1994 PA 295 that will result in denial of issuance, revocation, or refusal to renew a license:**

- MCL 750.145a: Accosting, enticing or soliciting child for immoral purpose
- MCL 750.145b: Accosting, enticing or soliciting child for immoral purpose; prior conviction; penalty
- MCL 750.145c: Definitions; child sexually abusive activity or material; penalties; possession of child sexually abusive material; expert testimony; defenses; acts of commercial film or photographic print processor; report to law enforcement agency by computer technician; applicability and uniformity of section; enactment or enforcement of ordinances, rules, or regulations prohibited
- MCL 750.158: Crime against nature or sodomy; penalty
- A third or subsequent violation of any combination of the following:
  - MCL 750.167: “Disorderly person” defined; subsequent violations by person convicted of refusing or neglecting to support family
  - MCL 750.335a: Indecent exposure
  - A local ordinance of a municipality substantially corresponding to a section described above
- MCL 750.338: Gross indecency; between male persons
- MCL 750.338a: Gross indecency; female persons
- MCL 750.338b: Gross indecency; between male and female persons
- MCL 750.349: Kidnaping
- MCL 750.350: Leading, taking, carrying away, decoying, or enticing away child under 14; intent; violation as felony; penalty; adoptive or natural parent
- MCL 750.448: Soliciting, accosting, or inviting to commit prostitution or immoral act; crime
- MCL 750.455: Pandering; felony
- MCL 750.520b: Criminal sexual conduct in the first degree; felony
- MCL 750.520c: Criminal sexual conduct in the second degree; felony
- MCL 750.520d: Criminal sexual conduct in the third degree; felony
- MCL 750.520e: Criminal sexual conduct in the fourth degree; misdemeanor
- MCL 750.520g: Assault with intent to commit criminal sexual conduct; felony
- MCL 750.10a: An offense committed by a person who was, at the time of the offense, a sexually delinquent person
- An attempt or conspiracy to commit an offense described above
- An offense substantially similar to an offense described above under a law of the United States, any state, or any country or under tribal or military law

**Offenses that must be reported to the department within 3 days of being arraigned:**

- Any felony
- Any of the following misdemeanors:
  - Criminal sexual conduct in the fourth degree or an attempt to commit criminal sexual conduct in the fourth degree
  - Child abuse in the third or fourth degree or an attempt to commit child abuse in the third or fourth degree
- A misdemeanor involving cruelty, torture, or indecent exposure involving a child
- A misdemeanor violation of MCL 333.7410, involving delivering or distributing a controlled substance
- A violation of:
  - MCL 750.115: Breaking and entering
  - MCL 750.141a: Selling/furnishing alcohol to a minor

- MCL 750.145a: Accosting, enticing, soliciting a minor
- MCL 750.335a: Indecent exposure
- MCL 750.359: Larceny from a vacant dwelling
- A misdemeanor violation of:
  - MCL 750.81: Assault and battery
  - MCL 750.81a: Assault
  - MCL 750.145d: Use of internet or computer system for illegal sexual purposes
- A misdemeanor violation of MCL 436.1701, involving selling or furnishing alcoholic liquor to a person less than 21 years of age
- Any misdemeanor that is a listed offense
- A violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States

cc: Child Day Care Licensing Consultants